IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 444 of 2007()

CRIME NO.413/06 OF ERATTUPETTA POLICE STATION

: PETITIONER:

C.M. HANEEF,
CHATHUKHAN PARAMBIL, ARUVITHURA, ERATTUPETTA.

BY ADV. SRI.P.C.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE, ERATTUPETTA.

2. PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 444 OF 2007 A

Dated this the 2nd day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in Crime No.413/06 of Erattupetta Police Station for offences punishable under Secs.465, 467, 468, 471, 472 and 420 I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner had fabricated plan, possession certificate, tax receipts and forged the signature of the de facto complainant and, using the same as genuine, has availed a loan for Rs.6.5 lakhs from the District Co-operative Bank, Kottayam.

3. Anticipatory bail cannot be granted in a case of this nature. But, at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered and disposed of by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 06/02/2007 and 08/02/2007 for the purpose of custodial interrogation and recovery of

incriminating materials, if any. After interrogation, the petitioner shall be produced before the Magistrate concerned on the same day, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

This petition is disposed of as above.

(V. RAMKUMAR, JUDGE)

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